

**CHAPTER NO. 742**

**HOUSE BILL NO. 262**

**By Representatives Buck, Patton**

**Substituted for: Senate Bill No. 875**

**By Senator Burks**

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 11, Part 1; Title 2, Chapter 5, Part 2 and Title 8, Chapter 8, Part 1, relative to the State Election Commission, ballots and qualifications for the office of sheriff.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-8-102(b), is amended by deleting subdivision (5) in its entirety and substituting instead the following:

(5) Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances; so long as the violation involves an offense that consists of moral turpitude or a misdemeanor crime of domestic violence;

SECTION 2. Tennessee Code Annotated, Section 8-8-102(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c)(1) Any person seeking the office of sheriff shall file with the POST Commission, either prior to the qualifying deadline for such office, or after filing the qualifying petition for such office, the following:

(A) an affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of this section; and

(B) a confirmation of psychological evaluation form certified by the psychologist/psychiatrist providing psychological evaluation as provided for in 8-8-102(b)(8) for the purposes of sheriff candidacy qualification. The form shall be developed by the POST Commission and shall include the examining psychologist/psychiatrist's license number and state of licensure. The form shall clearly state in bold face type directly above the signature line that a person who, with intent to deceive, makes any false statement on such application commits the offense of perjury pursuant to § 39-16-702. The form shall be made available by the POST Commission upon request by any candidate for the office of sheriff.

(2) If such affidavit and form is not filed with the POST Commission by the withdrawal deadline for the office of sheriff, such candidate's name shall not be placed on the ballot. The POST Commission shall have the authority to verify the validity of such affidavit and form.

(3) The POST Commission shall verify POST certification of any person seeking the office of sheriff who meets these requirements. The original notarized verification form from POST, along with such person's nominating petition shall be filed by the POST Commission with the County Election

Commission as soon as possible. If the POST Commission has not certified to the County Election Commission no later than the last day on which ballots may be printed a person seeking to qualify as a candidate for the office of sheriff as meeting the qualifications as provided for in this section, such person's name shall not appear on the ballot. In the event that a person seeks election to the office of sheriff by the County Legislative Body to fill a vacancy in office, such verification must be filed with the county clerk prior to the election.


SECTION 3. This act shall take effect on July 1, 1999, the public welfare requiring it.

**PASSED: May 8, 2000**

  
JIMMY RAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 17<sup>th</sup> day of May 2000**

  
DON SUNDQUIST, GOVERNOR